

**MINUTES OF THE SPECIAL MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE
HALL, ON WEDNESDAY, DECEMBER 12, 2001.**

Members Present:

Peter Lilienfield
William Hoffman
Jay Jenkins
Walter Montgomery, Secretary

Also Present:

Lino Sciarretta, Village Counsel
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk

For the Applicant: Charles Pateman, Frank
Racanelli, Pat Steinschneider

IPB Matters Considered:

94-03 - Westwood Associates Development, Inc.
Sht.10, P25J2, 25K2, Sht.10C, B1.226 Lots
25A, 26A, Sht.11, P-25J

The Special Meeting was called to order at 8:05 p. m. as a working session for the purpose of reviewing the Applicant's submission for Final Subdivision Layout and Site Plan Development Approval for Tract A. This meeting addressed solely Tract A; this segment of the larger Westwood project is being examined separately at the request of the Applicant due to pending negotiations regarding acquisition of Tracts B and C by the Village. Should such negotiations culminate in a deal, the Planning Board will be in a position to consider approvals solely for Tract A; if such deal does not materialize, then all three tracts will need to be examined collectively consistent with the Preliminary Approvals.

Mr. Pateman said that his consultants had been working with Ralph Mastromonaco to address engineering concerns, and would continue to do so. Mr. Pateman further stated that he knows that Tract A, when considered by itself, does not have a second means of access, and indicated that the road work on the High School property had been completed. The flow of traffic, he said, has been improved, the sewer and water drainage have been appropriately modified and all utilities are now installed.

The Chairman asked whether there had been changes in the plans for the development of the property. Mr. Steinschneider said there was none, with the exception of what the IPB had requested as outlined in Mr. Mastromonaco's earlier memoranda.

Mr. Steinschneider noted that the Applicant's chart (NS-01 Subdivision Notes) with zoning data needs corrections. He said that the front yard setbacks on various lots should be reduced. The Chairman noted that asterisks shown on the chart indicate those lots where relaxation from the Zoning requirements is being requested. There ensued a discussion of the "zoning envelope" versus the "building envelope" on certain properties, in particular Lots 3, 4, 5 and 6. The Chairman stressed that the larger rear yards should not result in the "massing" of houses in front yards; there still needs to be relationship to the road system and lots located across the street. Further, the Board would not permit

pushing structures forward so that that the resulting larger backyards could be used for the purpose of installing swimming pools or other amenities. One proposal discussed was to require the majority of the massing of the residence within the permissible “zoning envelope” as defined by the Ordinance’s setback requirements, while permitting intrusion into the front yard on a case by case basis for such structural elements as a one story garage.

The Chairman said that the Board needs latitude to prescribe criteria for the development of a lot – e.g., for landscaping. Mr. Pateman noted that he needs to be able to design the homes with some guidelines from the Board as to its expectations. The Chairman stated that the Board needs to be clear on how an envelope is to be used -- for example, the location of a proposed pool. He also said that the Board can allow some modifications in keeping with Local Law 1 of 2000, but not for a pool in a side yard.

The Chairman confirmed that no pool is planned for lot 3 or 4, but noted that plans show a pool is planned for lot 2 (albeit in the side yard, which would necessitate a variance). Lot 2 is to have capacity for a two-car, not a three-car, garage, in terms of square feet. Lots 3 and 4 will have retaining walls in the rear of approximately 5 feet in height. The Chairman and Mr. Pateman discussed the height of the retaining walls, and the Chairman expressed concern that they not be of such height that they create an unsightly massing in neighbors’ views of the properties, a problem that is potentially acute on the football-field side of the property. He asked Mr. Marron to review this issue.

The Chairman said that the Board would like to be able to say that no wall will be more than a certain height, and that ten feet or more was not an acceptable height. He said that the Applicant should take such guidance into account when designing the houses, rather than wait until later. Mr. Pateman said he’d review this suggestion as to the maximum height of the retaining walls and asked whether there could be some flexibility. The Chairman said there could be, but the Board wants to start with a clear benchmark number. The Chairman suggested laying out proposals with five-foot gradients, and that any guideline eventually developed should apply to other houses on Tract A in addition to those on Lots 2, 3, 4 and 5.

The Chairman emphasized that how much of a house is in the front versus the back of a lot is a key issue and noted that, for example, in Lots 7 and 8 there is a need for clarity as to where the building line will be and where the pool would be.

Also, it was confirmed that Lots 11 and 12 are currently shown to have a shared driveway, but that this may change. In regard to Lot 12, the Chairman noted there is to be a frontage reduction but not a reduction of the front yard itself. He also said that chart indicated a relaxation for Lot 6, but that none is indicated on the plans; Mr. Pateman indicated that the location of the residence may change.

The Chairman confirmed the following: on Lot 15 there would need to be a front yard reduction, with the building moving forward but not for the purpose of accommodating a pool in the rear; for Lot 16 there is provision for an emergency drive; on Lot 1 there will be no pool; and for Lot 16 some terracing will be necessary, but it can be done without major disturbance of the existing rock formation.

Mr. Hoffman inquired whether a pump station will be needed; Mr. Pateman said it will not. Mr. Marron noted that the Applicant is repairing only a portion of the retaining wall along the road leading back to Marshall's Pond, and the Chairman asked him to check the current condition of the wall.

The Chairman indicated several changes in the Notes, including the need for Belgian block curbing as stipulated in the Preliminary Approvals. The Chairman also stated that Note Number 7 of the General Notes should be modified to preclude any on-street parking. In addition, Note 9 should be indicate School District responsibility for maintaining the "gates" at each end of Link Road. Note Number 5 in Stormwater Drainage System should be modified to remove the requirement for fencing around the Tract A detention basin. Note Number 8, in reference to having burying pits for tree stumps, should be eliminated. The Chairman underscored the point that all notes that are being changed are being altered for Tract A only, except as specifically stipulated otherwise.

The Chairman asked Mr. Marron to check on the elevations of the buildings and said that only the chimneys on the buildings can go above the ridge-height elevation. He said Mr. Marron should check on the elevation versus grading and monitor any changes in the grading and construction, in order to keep the buildings from going above 35 feet as measured from the lowest point of a given house in a given lot. The Chairman requested that in the Zoning Notes, Note Number 8 on elevation be removed.

He also asked Mr. Sciarretta to check the proposed Resolution to be sure all items being taken out/modified are not required to be in the Resolution.

In the section entitled "Irvington Special Construction Notes," the Chairman said that the sentence starting "No dwelling and/or..." in Note Number 1 should read "...building envelopes and/or..." before "limits of disturbances" and should end with "whichever is greater".

The Chairman suggested, and the Board concurred, that any modifications would be subject to IPB approval. The Chairman stated that the IPB has sole discretion in determining if and how a building envelope can be changed. He also confirmed with Mr. Pateman and his associates that construction trailers are to be parked within approved building envelopes subsequent to Planning Board Site Plan approval for that specified lot.

The Chairman asked that the Board obtain a letter from the School District attesting to the fact that site improvements on the District's property have been finished to the requirements of the District. In Note 46 of the Special Construction Notes, the Chairman asked that the word "same" be added before "tract" and that the note be changed to read that "In the event any lots are merged, there will be a reduction in the total number of lots equal to the number merged." Such note would also apply to Tracts B and C, if developed. The Chairman then briefly reviewed Mr. Mastromonaco's draft memorandum of November 2001.

Other items discussed included:

- The width of the primary entrance road adjoining the Detention Basin and the removal of fencing/bollards.

- A stop sign exiting the site and/or one from the immediately adjoining parking lot on the School Property
- Additional grammatical changes in the notes, including removal of references to the Town of Cortlandt and references to Town rather than Village.
- The impact of shifting the houses on Lots 3 and 4 forward versus pools on Lots 7 and 8.
- Preliminary discussion of SEQRA and whether the development of Tract A without Tracts B or C would necessitate additional examination of SEQRA or the Board's earlier findings.

The Board set the next Special Meeting on this matter for January 16, 2002 at 8 p.m. The meeting was adjourned at 10:15 p. m.

Respectfully submitted,

Walter Montgomery, Secretary